

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

JEFFREY THOMAS POE,

Plaintiff,

v.

CIVIL ACTION NO. 2:14-cv-15940

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending before the Court is Plaintiff's Complaint seeking review of the decision of the Acting Commissioner of Social Security, Carolyn W. Colvin ("Commissioner"). (ECF 2.) By Standing Order entered on May 7, 2014, and filed in this case on May 8, 2014, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings and a recommendation for disposition ("PF&R"). (ECF 4.) Magistrate Judge VanDervort filed his PF&R on August 25, 2015, recommending that this Court deny the Plaintiff's motion for judgment on the pleadings (ECF 11), grant the Defendant's motion for judgment on the pleadings (ECF 12), affirm the final decision of the Commissioner, and dismiss this matter from the Court's docket. (ECF 13.)

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Plaintiff's right to appeal this

Court's order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a de novo review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

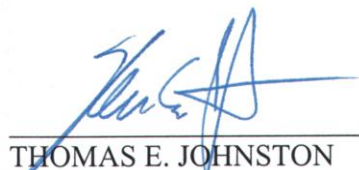
Objections to the PF&R in this case were due on September 11, 2015. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R, **DENIES** Plaintiff's motion for judgment on the pleadings, **GRANTS** Defendant's motion for judgment on the pleadings, **AFFIRMS** the final decision of the Commissioner, and **DIRECTS** the Clerk to remove this case from the Court's docket. A separate Judgment Order will enter this day implementing the rulings contained herein.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: September 14, 2015



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE